

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SAMMY R. QUAIR, SR.,

Plaintiff,

v.

DAVE ROBINSON, et al.,

Defendants.

No. 1:21-cv-01214-DAD-EPG (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
PLAINTIFF'S MOTION FOR INJUNCTIVE
RELIEF

(Doc. Nos. 10, 12)

Plaintiff Sammy R. Quair, Sr. is a state prisoner or pretrial detainee¹ proceeding *pro se* and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 29, 2021, plaintiff filed a motion seeking an order directing the Kings County Jail mental health office to bring plaintiff in for an evaluation because he is allegedly suffering from depression and the medication he is receiving is, according to plaintiff, not working. (Doc. No. 10 at 4; *see also* Doc. No. 11.) On November 5, 2021, the assigned magistrate judge construed plaintiff's request as a motion for injunctive relief and issued findings and recommendations recommending that plaintiff's motion for injunctive relief be denied because "[n]one of the allegations in Plaintiff's complaint relate to the Kings County Jail mental health

¹ Plaintiff is incarcerated in Kings County Jail, but he does not specify in his complaint whether he is a state prisoner being held there or a pretrial detainee.

1 office's treatment or failure to respond to his requests for treatment," and based upon the finding
2 that plaintiff is "not entitled to an injunction in this action based on his allegations that are
3 unrelated to his underlying claim." (Doc. No. 12 at 3.) Those findings and recommendations
4 were served on plaintiff and contained notice that any objections thereto were to be filed within
5 fourteen (14) days from the date of service. (*Id.* at 4.) To date, no objections have been filed and
6 the time in which to do so has passed.

7 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
8 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
9 findings and recommendations are supported by the record and by proper analysis.

10 Accordingly,

- 11 1. The findings and recommendations issued on November 5, 2021 (Doc. No. 12) are
12 adopted in full; and
- 13 2. Plaintiff's motion for injunctive relief (Doc. No. 10) is denied.

14 IT IS SO ORDERED.

15 Dated: **January 12, 2022**

16 
UNITED STATES DISTRICT JUDGE